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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,915	11/27/2001	Marianne Hickey	1509-247	7400

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,915

Applicant(s)

HICKEY ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-17 are pending.

Response to Arguments

2. Applicant's arguments in Appeal Brief filed 5/23/06, see pages 13-20, filed 5/23/06, with respect to Mark-Dalrymple-Ogdon have been fully considered and are persuasive. The Final Rejection of 1-17 has been withdrawn. The NonFinal Rejection is follow.

Claim Rejections - 35 USC § 101

3. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

i.e.: "Interface handler" is not defined in specification.

Claims 1-17 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 112

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

i.e.: "Interface handler" is not defined in specification; and

a first device without second device.

Examiner interprets the first device and interface handler as any device or computing device including the peripheral devices.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al [Khan 2002/0165988 A1].

5. As per claim 1, Khan discloses A method of enhancing communication between a user using a first device (i.e.: mobile device, cellphone) and a content server with which the user is interacting through an interfacing handler (i.e.: multimodal /voiceXML browser), wherein:

the communication is managed as a session having one or more participants [Khan, collaborating classes, 0060], the user, via the first device, being an initial participant to the session [Khan, cellular, 0096];

the user, using the first device instructs an output device (i.e.: peripheral device) to join the session, session-joining information being pass from the first device to the output device [Khan, peripheral adapter, 0096];

the output device uses the session-joining information to join the session as a participant [Khan, collaborating classes, 0060]; and

the interfacing handler [Khan, VoiceXML browser, 0251] sends content and/or content references (i.e.: object reference) from the content server to the participant in the session, the output device outputting for the user at least some of content [Khan, object reference, 0135,0136, 0146,0147; network content server, 0009].

6. As per claim 2, Khan discloses the devices register their communication capabilities with the session and the interfacing handler sends content and/or content references from the content server to the devices taking account of their register capabilities [Khan, voice authentication, 0246].

7. As per claim 3, Khan discloses the handler sends content from the content server to the output device according to authorization information specified by the user [Khan, user authentication, 0253].

8. As per claim 4, Khan discloses the content server provides content in multiple media types and the output device is capable of handling one or more media types not handled by the first device [Khan, email, audio, video, 0007].

9. As per claim 5, Khan discloses the interfacing handler is a browser arranged to interpret pages with markup tags provided by the content Server [Khan, VoiceXML browser, 0251].

10. As per claim 6, Khan discloses the first device is a voice communication device and the interfacing handler is a multimodal browser capable of handling voice markup pages provide by the content server [Khan, VoiceXML browser, 0251].

11. As per claim 7, Khan discloses the i5- device is a cellular phone [Khan, cellular, 0096].

12. As per claim 8, Khan discloses the first device passes on the session-joining information using short-range communication link [Khan, short range transceiver, 0108].

13. As per claim 9, Khan discloses the output device is named upon session-joining with a name that is known to both user and the interfacing handler [Khan, unique identifier, 0192].

14. As per claim 10, Khan discloses the user can communicate with the output device via the first device [Khan, peripheral and cellular, 0096] and the interfacing handle [Khan, VoiceXML browser, 0251].

15. As per claim 11 Khan discloses A user communication device comprising:
means for setting up a communications session with an interfacing handler
through which the user device can receive content from a content server [Khan, network
content server, 0009];

for enabling an output device [Khan, peripheral, 0096] to join the communication
session by that device passing the session-joining data to the interfacing handler [Khan,
collaborating classes, 0060]; and

means for sending session-joining information to the output device independently
of the interfacing handler [Khan, VoiceXML browser will work regardless the platform,
0251].

16. As per claim 12, Khan discloses said means for sending the session joining
information is a short-range communication subsystem [Khan, short range transceiver,
0108].

17. As per claim 13, Khan discloses said means for assembling session joining data
comprises means for receiving a session identifier from the interfacing handler as
inherent feature of session [Khan, session, 0168].

18. As per claim 14 Khan discloses A peripheral device comprising:
peripheral functionality [Khan, peripheral, 0096];

a short-range communications subsystem for receiving session joining data over a short-range communications link [Khan, short range transceiver, 0108]; and

a communications subsystem for sending the session joining information to an interfacing handler to join an existing communication session and to receive content for output via the peripheral functionality of the device [Khan, VoiceXML browser, 0251].

19. As per claim 15, Khan discloses the communications subsystem is operative to send along with said session joining information, data on the types of content that the peripheral device can handle [Khan, any content become wireless enable, 0087].

20. As per claim 17 Khan discloses A user communication device comprising :
a processor [Khan, cellular, 0096] for

(a) setting up a communications session with an interfacing handler through which the user device can receive content from a content server [Khan, VoiceXML browser, 0251; network content server, 0009] and

(b) assembling session joining data for enabling an output device to join the communication session by that device passing the session joining data to the interfacing handler [Khan, collaborating classes, 0060]; and

a transmitter connected to be responsive to the processor for sending the session joining information to the output device independently of the interfacing handler [Khan, short range transceiver, 0108; access independently, 0250].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al [Khan 2002/0165988 A1] in view of Sravanapudi et al [Sravanapudi 2001/0049603 A1].

21. As per claim 16 Khan discloses A voice browser service system for providing voice-form content to a user device, the service system comprising:

a session manager operative to set up a communication session with the user device as an initial member [Khan, short range transceiver, 0108];

means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device [Khan, network content server, 0009];

receiving means for receiving, from a output device, and capability information concerning what types of content the output device can handle [Khan, VoiceXML browser, 0251], the receiving means being operative to pass the request to the session manager (i.e.: collaboration classes), and the session manager being responsive to the request to join the said output device to the communication session and register its capability information [Khan, collaborating classes, 0060];

means for sending to said output device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type

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which, according to the device's registered capability information, the output device can handle [Khan, any content become wireless enable, 0087].

However Khan does not explicitly detail
passing the user device a session identifier for the session; and a joining request including said session identifier;

In same endeavor, Sravanapudi discloses a Multimodal information services between two networks wherein a multimodal mechanism using XML schema with session ID [Sravanapudi, a multimodal mechanism, 0041; XML schema, 0094; session ID, 0118]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the multimodal VoiceXML browser with a session ID as taught by Sravanapudi into the Khan's apparatus in order to utilize the VoiceXML browser. Doing so would provide the multiple channel services to the Web user via wireless devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

